

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS**

2004 OCT 26 4:11:08
CIVIL ACTION #04 11917 WGY

WILLIAM ROWE,

PLAINTIFF

v.

SHARRON WENDY VALLIERE,

DEFENDANT

U.S. DISTRICT COURT
DISTRICT OF MASS.
**AFFIDAVIT OF COUNSEL IN SUPPORT
OF MOTION FOR RULE 11 SANCTIONS**

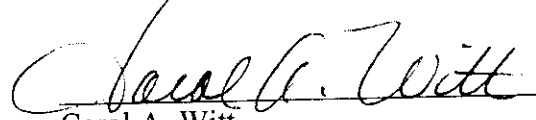
NOW COMES Carol A. Witt, in the above-entitled matter and under oath deposes and says that:

1. I am the attorney of record for Sharron Wendy Valliere, and I am making this affidavit in support of *Defendant's Motion for Sanctions under Rule 11*.
2. I am admitted to practice in the Commonwealth of Massachusetts and the United States District Court for the Eastern District of Massachusetts.
3. The Defendant alleges that the plaintiff and his attorneys have willfully violated Rule 11 of the Federal Rules of Civil Procedure, and that the Defendant is entitled to recover her reasonable costs including attorney's fees as provided in that rule.
4. Based on my years of experience, the reasonable hourly charge for my services is \$300.00 per hour, and my paralegal's hourly rate is \$75.00 per hour. Costs incurred by the Defendant since the filing of the *Plaintiff's Motion in Opposition to Plaintiff's Motion to Dismiss for Lack of Subject Matter Jurisdiction and For Sanctions* are itemized as follows:

<u>Date</u>	<u>Description</u>	<u>Time</u>	<u>Cost</u>
10/01/2004	Draft Supplemental Memorandum in Support of Defendant's Motion to Dismiss	0.5	\$150.00
10/01/2004	Letter to federal court	0.2	\$60.00

10/14/2004	Paralegal research for reply brief	5.0	\$375.00
10/18/2004	Telephone call with client	0.2	\$60.00
10/18/2004	Review research and prepare first draft of Brief in Response to Opposition to Defendant's Motion to Dismiss	2.0	\$600.00
10/19/2004	Telephone conference with client	1.2	\$360.00
10/19/2004	Preparation of reply brief	1.0	\$300.00
10/20/2004	Telephone call with client	0.3	\$90.00
10/20/2004	Preparation of Defendant's Supplemental Affidavit in Response to Plaintiff's Opposition to Motion	1.0	\$300.00
10/20/2004	Telephone call with client	0.2	\$60.00
10/20/2004	Telephone call to Michael Wood, CPA and preparation of Affidavit	1.0	\$300.00
10/20/2004	Revise and finalize Brief in Response to Opposition to Defendant's Motion to Dismiss	1.5	\$450.00
10/21/2004	Research and first draft of Memorandum in Support of Defendant's Motion for Sanctions under Rule 11	2.50	\$750.00
10/25/2004	Revise and finalize Memorandum in Support of Defendant's Motion for Sanctions under Rule 11	1.0	\$300.00
10/25/2004	Preparation of Affidavit of Counsel in Support of Motion for Rule 11 Sanctions	0.5	\$150.00
10/26/2004	Letter to court	0.2	\$60.00
	Total Fees to Date	6.2	<u>\$4365.00</u>


Signed under the penalties of perjury this 25th day of October, 2004


Carol A. Witt

Commonwealth of Massachusetts


Essex, ss.

On this 25th day of October 2004, personally appeared before me Carol A. Witt, who proved to me through satisfactory evidence of identification, to wit, personal knowledge of her identity, to be the signer of the foregoing document, and who swore or affirmed to me that the contents of said document are truthful and accurate to the best of her knowledge and belief.


Donna M. Saunders/Notary Public
My Commission expires August 21, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record for the Plaintiff by mail, postage prepaid, on October 25, 2004.


Carol A. Witt